

Thompson vs. State, 11/10/2014

1

1 IN THE CIRCUIT COURT OF TUNICA COUNTY, MISSISSIPPI
2

3 MICHAEL THOMPSON,

4 APPELLANT

5 VS.

NO. 2014-0113

6 STATE OF MISSISSIPPI,

7 APPELLEE

8 *****
9 TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN
10 THE ABOVE STYLED AND NUMBERED CAUSE, BEFORE THE
11 HONORABLE JOHNNIE E. WALLS, JR., CIRCUIT COURT
12 JUDGE, ON MONDAY, NOVEMBER 10TH, 2014.
13 *****

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COPY

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1 MS. THOMPSON: Your Honor, moving
2 forward today in the Circuit Court of
3 Tunica County, Mississippi is
4 Michael Thompson, Plaintiff, vs. State of
5 Mississippi, Case No. 2014-0113. This is
6 an appeal on the charges of driving with
7 license suspended filed by
8 Mr. Michael Thompson.

9 Your Honor, we have Mr. -- the State
10 and we'll have them introduce themselves
11 for the record.

12 THE COURT: Yes. Will the
13 attorneys --

14 MS. TURNER: Yes, Your Honor. May it
15 please the Court. My name is
16 Carol Turner. I'm here representing the
17 State in this matter, and I have the
18 witnesses here, at least Sheriff Hamp and
19 officer James Jones.

20 THE COURT: Okay.

21 MR. COLOM: Good morning, Your Honor.
22 Scott Colom on behalf of Michael Thompson,
23 the defendant.

24 THE COURT: All right. Why don't all
25 the witnesses come around and let me swear

1 you in, all witnesses who expect to
2 testify.

3 MS. TURNER: Your Honor, we do have
4 one other witness that's on the way at
5 this time. It's the dispatcher for the
6 sheriff's department. We can just -- she
7 can just be sworn when she arrives.

8 THE COURT: Okay.

9 (ALL WITNESSES WERE SWEORN.)

10 THE COURT: All right. Either
11 attorney desire to make an opening
12 statement?

13 MS. TURNER: I'm sorry?

14 THE COURT: Do you desire to make an
15 opening statement?

16 MS. TURNER: Not really, but we did
17 speak a little bit about possibly having a
18 stipulation for the record, Your Honor.

19 MR. COLOM: To be honest with you, I
20 don't mind giving an opening statement.

21 MS. TURNER: Okay.

22 THE COURT: All right. Well, I would
23 appreciate something short on this case so
24 that --

25 MS. TURNER: Oh, okay.

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1 THE COURT: -- I would have an idea --

2 MS. TURNER: Oh, just to give you an
3 idea.

4 THE COURT: -- of what this is about.

5 MS. TURNER: Yes, Your Honor. Very
6 brief. As stated, we appear on a driving
7 while license suspended. The defendant in
8 this case is Michael Lawrence Thompson.
9 The ticket was written on February 12th of
10 this year and it is -- this is an appeal
11 from municipal court.

12 THE COURT: Okay.

13 MR. COLOM: Your Honor, we would
14 contend the case is much more complicated
15 than that. Mr. Thompson is the county
16 administrator for Tunica County, and the
17 facts will show that the sheriff's office
18 initiated an investigation into
19 Mr. Thompson prior to the date he was
20 given the ticket for driving with license
21 suspended. They were concerned,
22 allegedly, with some conduct between the
23 county administrator and the comptroller.

24 During this investigation, this will
25 be admitted, that they determined -- they

1 learned that Mr. Thompson's license was
2 suspended. After learning this, they,
3 coincidentally, encountered Mr. Thompson in
4 the passenger seat of the vehicle with the
5 comptroller. Capt. Jones will testify
6 that, allegedly, he saw Mr. -- the
7 comptroller, Mr. Wiley, swerving in the
8 road and that was the reason he pulled
9 Mr. Wiley over.

10 He will then -- he will also admit
11 that after he pulled Mr. Wiley over, he
12 ran Mr. Wiley's license. And he will
13 explain that there was some issue with the
14 license of Mr. Wiley, but that the license
15 didn't come back suspended. It was some
16 -- some -- something I've never heard of,
17 something he claimed gave him suspicion
18 that Mr. Wiley did not have a valid
19 license.

20 So, at that point, without giving
21 Mr. Wiley a ticket, without having any
22 evidence that Mr. Wiley's license was
23 suspended, he'll admit -- Capt. Jones will
24 admit that he told Mr. Thompson to drive
25 the vehicle. He told Mr. Thompson to

3 After telling Mr. Thompson to drive
4 the vehicle, he went and let Mr. Thompson
5 drive five or six miles, based on his own
6 testimony. He pulled Mr. Thompson over
7 again for -- pulled Mr. Thompson over for
8 suspicion of being dishonest. Because
9 Capt. Jones knew that Mr. Thompson's
10 license was suspended, that's the reason
11 he asked Mr. Thompson to drive.

12 So, at that point, he arrested
13 Mr. Thompson, took him to the jail based
14 on an arrest warrant that didn't -- that
15 doesn't exist and turned this in to the
16 local news station to try to embarrass
17 Mr. Thompson. And this all was a scheme
18 by the sheriff of this county to try to
19 embarrass Mr. Thompson.

20 And, Your Honor, the scary thing
21 about this -- and these facts will not be
22 disputed. We've already had a hearing
23 where Capt. Jones swore to this
24 information. He swore that at the time he
25 pulled Mr. Thompson -- Mr. Wiley over, he

knew Mr. Thompson's license was suspended and he swore that he told Mr. Thompson to drive knowing his license was suspended.

So based on that, Your Honor, it's classic entrapment. In fact, under Mississippi law, the entrapment is so obvious, it's so bad that it's almost entrapment, *per se*, because it's clearly done -- it was clearly done with bad faith conspiracy to try to embarrass the county administrator by the sheriff's office. So, based on that, we believe we have a strong entrapment case and the evidence will show it, Your Honor.

THE COURT: You want to call your first witness? (To Mr. Colom.)

MS. TURNER: Well, I believe I should.

THE COURT: All right.

MS. TURNER: Yes. I would call
K.C. Hamp, the sheriff, Your Honor.

THE COURT: All right.

MR. COLOM: And, Your Honor, I would move that the rule be invoked.

THE WITNESS: I didn't hear that.

MS. TURNER: I have no objection about

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1 the rule being invoked, to clear the
2 courtroom of witnesses.

3 THE COURT: All right.

4 THE WITNESS: I didn't hear that.
5 what was that?

6 THE COURT: He asked that the rule be
7 invoked; that all witnesses who have to
8 testify after the first witness testifies
9 would have to be sequestered.

10 THE WITNESS: Okay.

11 (ALL WITNESSES LEAVE THE COURTROOM.)

12 THE COURT: Okay. Raise your right
13 hand again.

14 SHERIFF CALVIN "K.C." HAMP,
15 having previously been duly sworn, was re-sworn
16 and examined and testified as follows, to wit:

17 MS. TURNER: May it please the Court,
18 Your Honor?

19 THE COURT: Go ahead.

20 DIRECT EXAMINATION BY MS. TURNER:

21 Q. Would you state your name for the record,
22 please.

23 A. Calvin "K.C." Hamp, Sr.

24 Q. And what is your position at the present?

25 A. Tunica County Sheriff.

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1 Q. How long have you been in that capacity?

2 A. Two thousand -- January 2004 as sheriff.

3 Q. So, for about ten years?

4 A. Yes, ma'am.

5 Q. And you've heard the opening statements of
6 counsel opposite, correct?

7 A. That's correct, yes, ma'am.

8 Q. And I would just like to get down to the
9 truth of what you're going to testify to today
10 involving Michael Thompson.

11 A. Yes, ma'am.

12 Q. I understand that you have a policy in
13 place regarding running drivers licenses of county
14 employees, correct?

15 A. Yes, ma'am. We have a Fleet Safety
16 Management Policy in place for operating of a county
17 fleet, county vehicles, any employee in the county
18 just for liability purposes and that's an annual
19 check we do every year on all county employees.

20 Q. How long have y'all had that policy in
21 place?

22 A. Since I've been sheriff, I know. A long
23 time. Since --

24 Q. So, at least for ten years, y'all have
25 been doing this?

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1 A. Yes, ma'am.

2 Q. Okay. So, it's not an investigation that
3 targets any specific person; is that correct?

4 MR. COLOM: I'm going to object. It's
5 a leading question.

6 THE WITNESS: No, ma'am, it's not a
7 target. It's --

8 THE COURT: Wait, wait, wait. That's
9 sustained.

10 BY MS. TURNER: (Continuing)

11 Q. How many people are targeted in this
12 investigation when you run drivers licenses?

13 A. I don't think "target" is an appropriate
14 word.

15 Q. Well, how many people have their drivers
16 licenses ran?

17 A. All the employees with Tunica County who
18 operate vehicles.

19 Q. Every employee that operates a vehicle
20 that's a county vehicle?

21 A. Absolutely, operate county equipment.

22 Q. And do you know whether or not
23 Michael Thompson operates a county vehicle?

24 A. Ma'am?

25 Q. Do you know whether or not

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1 Michael Thompson operates a county vehicle?

2 A. Yes, ma'am, he do. He did at the time.

3 Q. And so, was his drivers license ran on any
4 particular day?

5 A. I wasn't on that traffic stop.

6 Q. Not on the traffic stop, but --

7 A. To my knowledge?

8 Q. To your knowledge, as far as a part of all
9 the county employees' drivers license being ran, was
10 Michael Thompson's also ran?

11 MR. COLOM: I'm going to object to
12 that. She --

13 THE WITNESS: No, ma'am.

14 MR. COLOM: -- hasn't laid the proper
15 foundation for this testimony.

16 THE COURT: That's a standing
17 objection.

18 THE WITNESS: Do I need to answer
19 that? What was your question?

20 I didn't hear my attorney.

21 THE COURT: Why don't you rephrase
22 your question. He didn't hear you.

23 THE WITNESS: Can you rephrase the
24 question?

25 BY MS. TURNER: (Continuing)

1 Q. Okay. Do you recall Michael Thompson's
2 drivers license being ran as a part of all of the
3 employees' drivers licenses being ran?

4 A. Based upon the information that I
5 received, there was a list sent over from the
6 county, as we do annually, from different department
7 heads in the county and a list was provided. All
8 those people's information was ran. There was one
9 other county employee who had a warrant and that
10 person was transported to the Desoto County
11 Sheriff's office where he was facing criminal
12 charges. This particular list that came over at
13 that particular time did not have Mr. Thompson's
14 name on that list because he was county
15 administrator.

16 Q. Okay. And why was his name not on the
17 list? Do you have any knowledge as to why his name
18 would not have been on the list?

19 A. I can't answer that. I have no knowledge
20 why his name wasn't on the list.

21 Q. In the past, has the county
22 administrator's drivers license been checked as a
23 part of the sweep?

24 A. Normally, everyone is checked. That
25 particular incident, it appears that this county

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1 administrator's name was not on the list. Everybody
2 who drove a county vehicle, including myself,
3 license was checked.

4 Q. Okay. At some point, was his license
5 checked that you're aware of?

6 A. Yes, ma'am.

7 Q. Okay. When was that?

8 A. Capt. Jones brought it to my attention and
9 stated that Mr. Thompson had a suspended drivers
10 license and he brought to my attention that
11 Mr. Thompson had --

12 MR. COLOM: I'm going to object, Your
13 Honor. It's hearsay. If he is going to
14 offer hearsay, he needs to at least
15 identify the person to lay the foundation.

16 THE COURT: Ms. Turner?

17 MS. TURNER: Well, Your Honor, we're
18 not asking for the truth of the matter
19 asserted. I'm just asking to find out
20 whether or not he has knowledge of whether
21 or not his license was ever checked, not
22 whether or not they were valid.

23 THE COURT: Okay. I'm going to allow
24 it.

25 THE WITNESS: It was brought to my

1 attention that Mr. Thompson's name was not
2 on the list.

3 MR. COLOM: Your Honor, I'm going to
4 object to it because, again, that's not
5 the foundation. He can't say it was
6 brought to my attention. He needs to say
7 who is the person who told it to him or
8 else. He has to lay the foundation.

21 Now, normally, when a person has a
22 suspended license, that means that they
23 got old business out there. They didn't
24 attend court somewhere and there may be a
25 bench warrant somewhere. So, we checked

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1 on that.

2 I personally called Ms. Karen Carter,
3 stated to her that Mr. Thompson had
4 unfinished business in Montgomery County.
5 She said, yes. I asked did he have a --6 MR. COLOM: I'm going to object to
7 this witness as -- that's hearsay.8 MS. TURNER: We have her here to
9 testify, Your Honor.10 THE COURT: You have another witness
11 to testify to that?12 MS. TURNER: We have Ms. Carter here
13 to testify.

14 THE COURT: All right. Good.

15 THE WITNESS: I asked --

16 BY MS. TURNER: (Continuing)

17 Q. Let me just stop you there.

18 A. Okay.

19 Q. So, you did speak with the clerk of
20 Montgomery County. I'm not asking what she said,
21 but you did speak with her?

22 A. I did.

23 Q. Okay. And did you take any further
24 actions in that investigation dealing with
25 Mr. Thompson and the other people whose licenses had

1 been suspended that were county employees?

2 A. what?

3 Q. Did you take any other action regarding
4 Michael Thompson or any of the other county
5 employees who you discovered had a suspended drivers
6 license?

7 A. Thompson was the only one, to my
8 knowledge, who had a suspended drivers license. The
9 other guy that was arrested had a warrant.

10 Q. He had a warrant, but his license -- it
11 didn't show his license was suspended?

12 A. Right. It showed that he had a warrant
13 based on his background check.

14 Q. All right. And what happened to him?

15 A. He was transported to the Desoto County
16 jail by Lt. Hopson for -- possession of stolen
17 property was his charge. And that guy was a
18 maintenance director for Tunica County, and it was a
19 week prior to Michael Thompson's incident.

20 Q. That was a week prior to his arrest?

21 A. That's correct.

22 Q. Okay. And do you-all have policy and
23 procedures with regards to stops?

24 A. That's correct, ma'am.

25 Q. What would be that procedure in regards to

1 stopping someone without a valid drivers license?

2 A. You mind if I read it to you?

3 Q. Go ahead.

4 A. A copy of the sheriff's office policy

5 4.14, traffic stops and enforcement. I will read

6 No. 5 to you. It states "Revoked or suspended

7 drivers license. A driver may be arrested when an

8 officer has stopped a vehicle and identified the

9 driver as driving with a revoked or suspended

10 license. If the officer is unable to stop the

11 individual in a timely manner, for example, if a

12 chase occurs or the person is injured and was

13 transported to the hospital, then he may seek a

14 warrant for the violator's arrest."

15 THE COURT: Sheriff, may I see that?

16 THE WITNESS: Yes. It's No. 5 of

17 Tunica County sheriff's policy. An

18 officer does have the power of discretion.

19 BY MS. TURNER: (Continuing)

20 Q. I'm sorry. What did you say?

21 A. I was just saying and the officer does
22 have the power of discretion.

23 (A BRIEF PAUSE.)

24 BY MS. TURNER: (Continuing)

25 Q. You didn't specify, but does that policy

1 also address whether or not a person's car is towed
2 or what will happen once the stop is made and the
3 driver's license is found to be invalid?

4 A. Yes, ma'am. Normally, when a person is
5 operating a vehicle on the roadway, if there's a
6 traffic infraction, that person is stopped. If that
7 person has a passenger, then the officer will
8 normally, not all the time, but normal practice is
9 that before the passenger take that vehicle, after
10 it has been identified that the driver has a
11 suspended license, when the arrest is effected, if
12 there is a passenger with a valid driver's license,
13 the officer would normally allow the passenger to
14 take possession of that vehicle.

15 Q. Instead of letting the vehicle be towed?

16 It's more expensive to tow?

17 A. Absolutely, the cost is more expensive.

18 Q. And so, that's just a professional
19 courtesy that's allowed, a policy of y'all's at the
20 sheriff's department?

21 A. Yes, ma'am.

22 Q. Okay. Is that in the manual or not?

23 A. Pardon me?

24 Q. Is that part of the policy and procedure
25 that's documented or is that --

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1 A. No, ma'am, it's on discretion.

2 Q. Discretion?

3 A. That's a discretion.

4 MS. TURNER: That's all I have of this
5 witness.

6 THE COURT: You may cross-examine him.

7 MR. COLOM: Thank you, Your Honor.

8 May it please the Court?

9 THE COURT: Yes.

10 CROSS-EXAMINATION BY MR. COLOM:

11 Q. Sheriff Hamp, you're familiar with the
12 laws of perjury, aren't you?

13 A. Absolutely.

14 Q. And you know, even as a sheriff, that you
15 can't say something not truthful while under oath,
16 right?

17 A. That's correct.

18 Q. That would be a felony, right?

19 A. That's correct.

20 Q. Even for a sheriff, wouldn't it?

21 A. That's correct.

22 Q. Okay. So, you understand that you got to
23 be honest here today, don't you?

24 A. Absolutely.

25 Q. Now, I want to get straight to the point.

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1 You were at the misdemeanor trial with Mr. Thompson
2 in justice court, weren't you?

3 A. That's correct.

4 Q. In fact, you were in the courtroom the
5 entire time, weren't you?

6 A. That's correct.

7 Q. And you heard Capt. Jones who worked with
8 you at the time, February 12th, 2013?

9 A. That's correct.

10 Q. 2014, excuse me. February 12th, 2014. He
11 worked for the sheriff's office, right?

12 A. That's correct.

13 Q. And you heard him testify that he was
14 in -- he was a captain of Special Operations, right?

15 A. That's correct.

16 Q. In fact, he wasn't a normal patrol person,
17 was he?

18 A. It's all the same.

19 Q. But his duties weren't just to patrol the
20 streets? He had a lot of other duties, right?

21 A. He's a law enforcement officer. It's all
22 the same.

23 Q. Yes or no? His duties were not only to
24 patrol the streets, was it? He was head of -- he
25 was responsible for training, wasn't he?

1 A. Absolutely.

2 Q. Okay. Now normal patrolmen, they're not
3 responsible for training, are they?

4 A. There are some patrol officers who's
5 responsible for training, sir.

6 Q. Okay. But he had a lot of other duties
7 besides being a patrolman, right?

8 A. That's correct, sir.

9 Q. All right. And you were there and you
10 heard him testify that y'all -- that the sheriff's
11 office instigated an investigation into
12 Mr. Thompson, didn't you? You heard him say that,
13 right?

14 A. Yes, sir.

15 Q. And you also heard him testify under oath
16 that at the time of February 12th, 2014 when he
17 pulled Mr. Wiley over, he knew Mr. Thompson's
18 license was suspended. You heard him testify to
19 that, right?

20 A. That's correct.

21 Q. In fact, you also testified that you knew
22 on that day Mr. Thompson's license was suspended?

23 A. That's correct.

24 Q. All right. And, in fact, you heard
25 Capt. Jones says that somebody else was driving the

1 vehicle that Mr. Thompson was in, right?

2 A. That's correct.

3 Q. The comptroller for the county, a guy
4 named Mr. Wiley, right?

5 A. That's correct.

6 Q. You heard Capt. Jones testify that
7 Mr. Wiley was swerving in the road, right?

8 A. That's correct.

9 Q. And he pulled Mr. Wiley over, right?

10 A. That's correct.

11 Q. All right. And you heard him testify that
12 he didn't give Mr. Wiley a ticket for careless
13 driving or anything else, did he?

14 A. Well, what he told me, he told me he gave
15 him a professional courtesy after he told him who he
16 was.

17 Q. Okay.

18 A. And --

19 Q. My question, yes or no, do you recall
20 Capt. Jones testifying that he did not give
21 Mr. Wiley a ticket for careless driving, reckless
22 driving or anything else, did he?

23 A. That's correct.

24 Q. So, even though he claimed Mr. Wiley was
25 driving poorly, he didn't give Mr. Wiley a ticket

1 now, did he?

2 A. He has the power of discretion.

3 Q. So, he decided not to give Mr. Wiley a
4 ticket. Now, what he did do is he ran Mr. Wiley's
5 license, right?

6 A. That's correct.

7 Q. He told you that, didn't he?

8 A. Yes.

9 Q. He testified to that under oath?

10 A. That's correct.

11 Q. You recall that, right?

12 A. That's correct.

13 Q. He said he ran Mr. Wiley's license and
14 there was something strange they came back and said.
15 Eligible, but reinstated or something like that?

16 A. I believe it was a possible -- I believe
17 it was not valid, but eligible for reinstatement.

18 Q. I mean, that's something he just made up
19 to justify pulling Mr. Wiley over?

20 A. No.

21 MS. TURNER: Objection, Your Honor.

22 THE WITNESS: No, the only -- he can
23 receive --

24 THE COURT: whoa, whoa, whoa. State
25 your objection.

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1 MS. TURNER: My objection is he's just
2 making statements instead of asking
3 questions.

4 THE COURT: Don't make statements.

5 MR. COLOM: Your Honor, I'll rephrase
6 the question.

7 THE COURT: All right. Rephrase.

8 Rephrase the question, Mr. Colom.

9 MR. COLOM: Yes, sir.

10 THE COURT: If you make a statement,
11 you're giving testimony. It's like
12 testifying and you're not a witness at
13 this point. You're on cross-examination.

14 MR. COLOM: Yes, Your Honor, that's my
15 intention.

16 BY MR. COLOM: (Continuing)

17 Q. Now, Sheriff, you recall him saying that
18 there was something about valid, but reinstated or
19 something eligible for reinstatement; isn't that
20 correct? Don't you recall that?

21 A. I recall Capt. Jones told me -- the only
22 information we have to really rely on is what's
23 coming from NCIC or Tunica County Communications
24 Division; that I believe it was -- his license came
25 back not valid, eligible for reinstatement. The

1 dispatcher couldn't understand the language. So,
2 they ended up calling the Tennessee Division of
3 Public Safety to find out what that language means.
4 And I guess over in this hearing it will reflect --
5 the attorney's here -- the log book on the time
6 frame it took to get that information back.

7 Q. Sheriff Hamp --

8 A. I only can testify to what I heard in the
9 courtroom. I can't testify to what was there on the
10 scene. I was not on the scene.

11 Q. Okay. Do you recall Mr. -- at the trial,
12 do you recall Capt. Jones saying that he ran
13 Mr. Wiley's license and it came back valid, eligible
14 for reinstatement, yes or no?

15 A. Yes.

16 MS. TURNER: Your Honor, this has been
17 asked and answered. This is the third
18 time he's asked the same question, and we
19 object. He's already testified to what he
20 believes he heard in the courtroom. He's
21 said it.

22 THE COURT: I think you're right.

23 MR. COLOM: I'll move on.

24 THE COURT: Okay.

25 BY MR. COLOM: (Continuing)

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1 Q. Now, at that point, you heard Capt. Jones
2 testify that he asked Mr. Thompson did he have a
3 drivers license and whether that license was valid,
4 correct?

5 A. Yes.

6 Q. Okay. And after he asked Mr. Thompson
7 that, Mr. Thompson told him that his license was
8 valid, right?

9 A. That's correct.

10 Q. And then you recall Capt. Jones telling
11 Mr. Thompson he needed to drive the vehicle? Don't
12 you recall him testifying that's what he told
13 Mr. Thompson?

14 A. I heard him testify to that.

15 Q. So, you would agree with me that the
16 Tunica County Sheriff's Office told Mr. Thompson
17 that he had to drive that vehicle on February 12th,
18 2014, correct?

19 A. I wasn't on the stop. I can't agree with
20 you, sir. I mean, I know in justice court, things
21 can come about, just the way you were aggressive in
22 posing the question. I don't know how you jogged
23 the officer's memory.

24 Q. My question is, you agree that Capt. Jones
25 was working for the Tunica County --

1 MS. TURNER: Objection, Your Honor.

2 My objection would be, at this point, we
3 have Capt. Jones here. He's willing to
4 take the stand and testify. He's the best
5 person to testify as to what happened at
6 the scene and what he testified to in
7 court, instead of asking the sheriff all
8 these questions about testimony in a case
9 that happened months ago.

10 MR. COLOM: Your Honor, may I respond
11 to that objection?

12 THE COURT: Yes, you may.

13 MR. COLOM: Your Honor, the rules of
14 evidence are pretty discretionary on my --
15 on cross-examination. I mean, simply
16 because I can ask these questions to
17 officer Jones doesn't mean I can't also
18 ask them to the sheriff. I mean, I can
19 ask him whether he recalls what
20 Capt. Jones said. It's not hearsay
21 because it was in court. And, in fact,
22 the sheriff has done a good job of
23 remembering testimony so far.

24 MS. TURNER: My objection further
25 would be whether or not it happened in

1 court, it's still hearsay.

2 MR. COLOM: Well, Your Honor, hearsay
3 is an out-of-court statement. Those are
4 in-court statements. So, it's not
5 hearsay.

6 THE COURT: Is that witness going to
7 be called?

8 MS. TURNER: That witness will be
9 called.

10 THE COURT: I'll sustain that
11 objection until that witness is called.

12 MR. COLOM: Thank you, Your Honor.

13 BY MR. COLOM: (Continuing)

14 Q. Now, do you recall when Mr. Thompson
15 started to work for the Tunica -- when he became
16 county administrator for Tunica County?

17 A. I don't know what time. I know that he
18 started working as the county administrator.

19 Q. Okay. What was the time frame?

20 A. I can't recall the time frame, sir.

21 Q. Okay. Do you know if it was 2013? 2012?

22 A. Possibly the end of 2012. I can't recall.
23 Possibly the end of 2012.

24 Q. Okay. So now, do you recall when you ran
25 -- you said that you run licenses every six months

1 for county employees?

2 A. I don't run them. I have people that are
3 in positions to run licenses.

4 Q. Is that a written policy with the Tunica
5 County Sheriff's Office?

6 A. It comes under the Fleet Safety Management
7 Policy dealing with our insurance company.

8 Q. Yes or no? Is that a written policy with
9 Tunica County?

10 A. It's a fleet safety policy that we adopted
11 into our policy.

12 Q. I don't think -- I don't believe you
13 answered my question. Yes or no, is that a written
14 policy?

15 A. If it's a written policy, it's written.

16 MS. TURNER: Judge, I --

17 THE WITNESS: We adopted it into my
18 policy.

19 MS. TURNER: He keeps badgering the
20 witness. He's answered it. He said he
21 adopted it into their policy.

22 THE WITNESS: It's a Fleet Safety
23 policy. It's a liability policy.

24 THE COURT: Well, he asked the
25 question. He asked him was it a written

1 policy.

2 THE WITNESS: It's a written policy
3 from a Fleet Safety Management policy that
4 we adopted.

5 BY MR. COLOM: (Continuing)

6 Q. Okay. Is there a formal adoption of it?

7 A. It should be a formal adoption of it in
8 our policy, but we use it for practice to keep the
9 county out of liability.

10 Q. Okay. Because I want to be clear on this.
11 So, you're saying that there's a policy in
12 Tunica County Sheriff's Office, a written policy,
13 that says somewhere that you are -- the sheriff's
14 office is running all the employees' drivers
15 licenses every six months?

16 A. Absolutely.

17 Q. Okay. Do you know when that was adopted?

18 A. It's in the policy book, sir. Not off the
19 top of my head. We have it.

20 Q. Okay. Now isn't it, in fact, true that
21 Mr. Thompson became county administrator December of
22 2013? Isn't that true? Does that refresh your
23 recollection?

24 A. December 2013?

25 Q. Right.

1 A. Possibility.

2 Q. All right. Now, that was only two months
3 before he was pulled over for the suspended license,
4 correct?

5 A. You have the hire date and date of arrest.
6 I mean, that's plain.

7 Q. About two months, right? Yes or no?

8 MS. TURNER: Your Honor --

9 THE WITNESS: December 13, January,
10 February.

11 MS. TURNER: -- objection. My
12 objection would be they've gone into this
13 numerous occasions when he was hired. He
14 says he's not exactly certain. He thinks
15 it was sometime around that time. He
16 doesn't know for sure, and he's trying to
17 force him to say things that he doesn't
18 know for sure.

19 MR. COLOM: Your Honor, these
20 speaking objections are inappropriate. If
21 she has something on the rules of
22 evidence, then I'll move on.

23 MS. TURNER: Asked and answered would
24 be my objection. I'm just explaining the
25 objection. It's asked and answered. He's

1 stated before that he can't remember
2 exactly when he was hired. He's
3 speculating.

4 THE WITNESS: It doesn't have anything
5 to do with when he was hired.

6 BY MR. COOMBE: (Continuing)

7 Q. And now I have a new question, which is:
8 Between December 2nd, 2013 and February 2nd, 2014 is
9 two months? Yes or no?

A. Yes, that's two months.

11 Q. Now, isn't it true that during those two
12 months that you and Mr. Thompson had some encounters
13 over the budget he was doing for Tunica County?
14 Isn't that true?

15 A. Other than my chief responding to
16 Mr. Thompson. Mr. Thompson has no authority over
17 the sheriff's office budget according to the law.
18 You should know the sheriff has exclusive control
19 over the sheriff's office. I deal with the board of
20 supervisors. I don't deal with Mr. Thompson.

21 Q. Okay. Well, isn't it true that, in fact,
22 you and Mr. Thompson had an argument about that in
23 his office? Isn't that true?

24 A. We had a disagreement and I was explaining
25 to Mr. Thompson that I report my budget to the board

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1 of supervisors. He has no authority over the
2 sheriff's office budget.

3 Q. And you and him had that disagreement
4 before February 2nd, 2014, correct?

5 A. We did.

6 Q. All right. And that was in Mr. Thompson's
7 office, right?

8 A. That's correct.

9 Q. And he ended up having to tell you to get
10 out of his office, didn't he?

11 A. That's correct.

12 Q. All right. And the disagreement was about
13 what authority he had over the sheriff's office,
14 right?

15 A. What was the question again?

16 Q. The disagreement -- I think you've already
17 testified to this, but I want to be clear about it.

18 A. Go ahead.

19 Q. The disagreement was about what authority
20 he, as county administrator, has over your budget,
21 right?

22 A. Right.

23 Q. You disagreed with some of the decisions
24 he was making, right?

25 A. He couldn't make a decision over the

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1 sheriff's office budget.

2 Q. Okay. But he was trying to do something,
3 right?

4 A. We had a conversation. We were talking
5 about, I guess, the state or the county.

6 Q. Right. Do you recall when that was?

7 A. When was the arrest? February sometime?
8 Probably the last of January or first of February.
9 The first of February.

10 Q. First of February?

11 A. February, February.

12 Q. So, first of February, you had a
13 disagreement with Mr. Thompson over what authority
14 he had over the Tunica County Sheriff's Office. And
15 then, a couple of weeks later, Mr. Thompson is
16 arrested for driving with suspended licenses?

17 MS. TURNER: Objection, Your Honor.

18 Again, he's testifying. It's not a direct
19 question.

20 MR. COLOM: Your Honor, I'm asking yes
21 or no, do you agree with that statement.

22 THE WITNESS: What was your statement
23 again?

24 THE COURT: I think he stated the
25 prior question.

1 BY MR. COLOM: (Continuing)

2 Q. My question -- your testimony -- tell me
3 if I'm wrong. Your testimony is that early
4 February, you and Mr. Thompson had a disagreement
5 over his authority over the Tunica County Sheriff's
6 office. And, two weeks later or a short period
7 later, February 12th, Mr. Thompson was arrested by a
8 captain from the Tunica County Sheriff's Office for
9 driving with a suspended license.

10 A. That's correct.

11 Q. After being told by that captain, who knew
12 his license was suspended, to drive?

13 MS. TURNER: Objection, Your Honor.

14 He has no knowledge as to what that
15 captain said to his client.

16 MR. COLOM: I strike the question and
17 move on, Your Honor.

18 THE COURT: All right. Please do so
19 or else that will be -- that will be
20 hearsay.

21 MR. COLOM: Thank you, Your Honor.

22 BY MR. COLOM: (Continuing)

23 Q. Now, after Capt. Jones -- to the best of
24 your knowledge, Capt. Jones arrested Mr. Thompson
25 when he found out he was driving with a suspended

1 license, right?

2 A. Yes.

3 Q. And he put the handcuffs on him and he
4 took him to jail and he booked him?

5 A. That's correct.

6 Q. Right?

7 A. That's correct.

8 Q. And, in fact, you talked to Mr. Jones,
9 Capt. Jones, while this was going on, didn't you?
10 Y'all had some conversations, didn't you?

11 A. Well, I talked to him after the fact of
12 Mr. Thompson's arrest.

13 Q. Okay. What did he tell you?

14 MS. TURNER: Objection, Your Honor.

15 This has no relevance at all on this case
16 as to whether or not his client is guilty
17 of driving with a suspended license.

18 THE COURT: Any way you can make it
19 relevant?

20 MR. COLOM: Yes, Your Honor. It goes
21 to the defense of entrapment to show --
22 this testimony is important to what were
23 the motives of Capt. Jones in pulling
24 Mr. Thompson over and what knowledge did
25 the sheriff have about those actions.

1 MS. TURNER: And, again, my objection
2 would be that any conversations they had
3 after the arrest would have no bearing on
4 entrapment. If they're -- if he's trying
5 to implicate that there was some kind of
6 conspiracy, which is where his testimony
7 seems to be going, that would have been
8 long before the arrest was made.

9 THE WITNESS: That's correct.

10 MR. COLOM: Excuse me. But, Your
11 Honor, the conspiracy can be part of the
12 -- I mean, the fact if Capt. Jones called
13 Sheriff Hamp and the captain says, you
14 know, "Sheriff, I got him, we got him,"
15 that would certainly be strong evidence
16 that's how Capt. Jones' actions
17 were interpreted. So, these are
18 legitimate questions and it's
19 cross-examination.

20 THE COURT: Okay. It is
21 cross-examination.

22 THE WITNESS: Okay. I don't know if
23 I'm in entrapment court or traffic court.
24 I will tell you this: I did receive a
25 call from Capt. Jones. The call was that

1 Ellis Pittman, who is the county attorney,
2 was trying to reach him and he was trying
3 to reach me. He told me what's going on
4 with Mr. Thompson's arrest. That's when
5 he said that -- gave me the information
6 about the traffic stop. So, therefore --

BY MR. COLOM: (Continuing)

8 Q. Let me stop you there. What did he tell
9 you? You said he gave you information on the
10 traffic stop. What did he tell you?

11 A. He told me that he arrested Mr. Thompson
12 for driving under a suspended license and
13 Ellis Pittman was on his way up to the office. And
14 I do have a tape with the conversation with
15 Ellis Pittman and Michael Thompson on it regarding
16 the arrest. So, I didn't get -- since Mr. Pittman
17 muddied the water on the things that were on this
18 tape and was talking in a monitored room -- I would
19 normally give someone an appearance bond, so to
20 speak, just to release him, but since he was there
21 representing him, muddying the water, I didn't get
22 involved in that. So, I let it take its course.

23 Mr. Thompson said that he was feeling ill.
24 And, normal practice, they will call the EMS to make
25 sure that the arrestee was afforded medical

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1 attention.

2 Q. Sir, how did you find out about that; that
3 he said he was feeling ill?

4 A. After the fact. I found out after the
5 fact.

6 Q. Who told you?

7 A. The jail. I spoke with someone at the
8 jail.

9 Q. Oh, okay. So, they told you Mr. Thompson
10 was feeling ill?

11 A. Sir?

12 Q. They told you that Mr. Thompson was
13 feeling ill?

14 A. Yes. Normally, when an ambulance is
15 called to the jail, the dispatcher will call and
16 tell me that someone is receiving medical attention
17 in the jail.

18 Q. Did you do a press release to anyone about
19 Mr. Thompson's arrest?

20 A. The media came to see me after the fact.
21 I didn't do an initial press release. The county
22 attorney, Ellis Pittman, did a press release.

23 Q. Okay. So, did you contact the media at
24 all and tell them about the arrest?

25 A. I doubt it. What happened is that once a

1 person is arrested, we have a website. We put it on
2 the website and people will go onto the website and
3 see the information. So, if one gets arrested like
4 now, then that picture and information will go on
5 the website, public information site.

6 Mr. Ellis Pittman, the same eve of the
7 arrest, he did a press release, a press release.

8 Mr. Ellis Pittman, the county attorney.

9 Q. How do you know he did a press release?

10 A. It was on the news.

11 Q. Well, are you saying it said on the news
12 that Mr. Pittman did a press release? Did you see
13 Mr. Pittman do a press release?

14 A. After the fact, I read in the paper. I
15 looked online and saw Mr. Pittman gave the media
16 some information concerning Michael Thompson's
17 arrest.

18 Q. You don't know if the media contacted
19 Mr. Pittman or Mr. Pittman contacted the media? You
20 don't know who contacted who first?

21 A. I don't know who contacted first. I
22 wasn't there.

23 Q. Okay. Now, you said something
24 interesting. You said you doubt that you did a
25 press release, right?

1 A. I know I did not do a press release. That
2 was after the fact. During the time we were in
3 justice court is when the media talked to me. That
4 was way down the road when the media talked to me.
5 During the time of Mr. Thompson's arrest, no, I did
6 not talk to the media.

7 Q. You don't recall doing an interview with a
8 TV station about Mr. Thompson's arrest the night of
9 the arrest?

10 A. No, not the night of the arrest. I don't
11 recall that.

12 Q. The next day, you didn't do a press
13 release? You didn't do an interview with a
14 newspaper -- with a television station from Memphis?
15 You don't recall that interview, or newspaper, about
16 Mr. Thompson?

17 A. That's been some while ago. I remember
18 before we went to the court, justice court on a
19 traffic citation. I remember doing a -- I was
20 questioned by the media prior to that based upon
21 Mr. Thompson's arrest. I told them I couldn't
22 release anything; all the information was pending.

23 Q. All right.

24 A. Because it hadn't been heard in court.
25 That's what I released to the media.

1 Q. Okay. Well, I submit to you that you did
2 an interview, but I'll move on. I'll move on.

3 A. Okay.

4 Q. Now, do you know if anyone in the
5 sheriff's office did a press release informing the
6 public of Mr. Thompson's arrest? Can you say yes or
7 no whether anybody did?

8 A. No.

9 Q. You can't say whether --

10 A. I can't say. Ellis Pittman, the county
11 attorney, did a press release.

12 Q. Okay. Listen to my question.

13 Ellis Pittman doesn't work for the sheriff's office,
14 does he?

15 A. He does not.

16 Q. My question is, yes or no, can you say
17 under oath that nobody from the Tunica County
18 Sheriff's Office did a press release notifying the
19 public of Mr. Thompson's arrest?

20 A. I can't recall. No, sir.

21 Q. All right. Can't recall. Now, do you
22 recall a meeting that you conducted with the
23 Tunica County Sheriff's Office employees, before
24 Mr. Thompson's arrest, where you discussed needing
25 to arrest Mr. Thompson?

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1 A. oh, negative. No, sir.

2 Q. So, you're saying under oath you never had
3 a conversation with Capt. Jones about conspiring to
4 arrest Mr. Thompson because of the disagreement you
5 were having over his conduct with your budget?

6 A. No, sir. That officer had power of
7 discretion whether he make an arrest or not.

8 Q. You never had a conversation with anybody
9 from Tunica County Sheriff's office, nor employee,
10 about Mr. Thompson's license being suspended and the
11 need to arrest him?

12 A. No, sir. I spoke with Capt. Jones who
13 brought it to my attention that Mr. Thompson had a
14 suspended license.

15 Q. That's the only conversation you had about
16 Mr. Thompson's license being suspended?

17 A. He just had a suspended license.

18 Q. Okay.

19 A. Mr. Thompson drives a county vehicle
20 everyday.

21 Q. what kind of vehicle does he drive? what
22 kind is it?

23 A. He drives a Tunica County vehicle
24 everyday.

25 Q. Well, what type of vehicle?

1 A. The one that's assigned to the county
2 administration's office. Everybody in the county
3 knows it's there.

4 Q. If you're so sure that Mr. Thompson drives
5 a county vehicle everyday, tell the Court what type
6 of vehicle he drives.

7 A. Prior to his arrest, Mr. Thompson was seen
8 on numerous occasions driving the county
9 administrator's car, the ones that are assigned to
10 the county.

11 And where you're trying to lead to, if
12 Mr. Thompson was a target, we already knew that
13 Mr. Thompson -- I knew that he had a suspended
14 license versus -- on Ms. Karen Carter. She'll
15 testify once she gets here. If Mr. Thompson was a
16 target, he would have been arrested long ago before
17 his arrest date if he was a target. He was no
18 target if that's what you're trying to lead to, sir.

19 Q. You would agree with me if somebody to be
20 arrested for driving on a suspended license, they
21 got to be driving, don't they?

22 A. Yes, sir.

23 Q. All right. Now, answer my question. You
24 said Mr. Thompson was observed driving a county
25 vehicle, right? Did you ever observe Mr. Thompson

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1 drive a county vehicle?

2 A. You're taking it out of context, sir. I'm
3 not talking about the night of the arrest. I'm
4 talking about prior. See, you're trying to lead me
5 to say --

6 MR. COLOM: I'm going to object, Your
7 Honor. This is argumentative by the
8 witness here. I'm not trying to lead him
9 to tell you -- I'm just trying to ask him.
10 He's being unresponsive.

11 THE WITNESS: You are being --

12 MR. COLOM: Excuse me, Your Honor.

13 I'm trying to object to the Court. I'm
14 trying to ask him, yes or no, had he ever
15 seen Mr. Thompson drive a county vehicle.
16 That's a simple question.

17 THE WITNESS: In the past, I have seen
18 Mr. Thompson drive a county vehicle.

19 BY MR. COLOM: (Continuing)

20 Q. Okay. What type of vehicle?

21 A. A white Crown Victoria that's assigned to
22 the county administration's office.

23 Q. How many times have you seen him drive a
24 white Crown Victoria?

25 A. Probably once or twice. I don't know. I

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1 don't go around monitoring folks. You know, I've
2 seen once or twice the county administrator.

3 Q. Did you know his license was suspended the
4 times you saw him driving the white Crown Victoria?

5 A. Personally, no.

6 Q. You didn't know?

7 A. Personally, no, sir.

8 Q. Okay. Now, do you recall when you and
9 Mr. Jones had this conversation about Mr. Thompson's
10 license being suspended?

11 A. I do.

12 Q. When?

13 A. He called me on the cell phone stating
14 that after checking our people that were ran, all
15 the county employees, there were some people --
16 well, Michael Thompson's name was not on the list,
17 being the county administrator. If mine's being
18 checked, then Mr. Thompson is going to be checked
19 on, too.

20 Q. So, you told Capt. Jones to check
21 Mr. Thompson's license?

22 A. To my knowledge, yes, sir. I mean, he's
23 in Special Operations. He's in training to make
24 sure that along with -- everybody was in line with
25 the Fleet Safety policy.

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1 Q. When did you have that conversation with
2 Capt. Jones?

3 A. It had to been prior to his arrest
4 evidently.

5 Q. Okay. Do you know how soon prior to his
6 arrest you had that conversation?

7 A. I don't know.

8 Q. Now, after you had this conversation with
9 Capt. Jones, did Capt. Jones ever call you and tell
10 you that he checked Mr. Thompson's license and the
11 license was suspended?

12 A. He told me and I made a call to Montgomery
13 County and spoke with the clerk.

14 Q. Okay. Now, you --

15 A. After he checked -- he said it was NCIC.
16 After he was checked, along with all the other
17 county employees, he had a suspended license. And I
18 confirmed it with Ms. Karen there at Montgomery
19 County and the license was suspended because she
20 sends those suspension notifications in.

21 Q. Okay. At that point, you knew
22 Mr. Thompson, right? At that point, you knew
23 Mr. Thompson?

24 A. Yes, I knew of Mr. Thompson.

25 Q. You didn't -- at the point you found out

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1 his license was suspended, you didn't call
2 Mr. Thompson up and say, hey, Mr. Thompson, you
3 know, you got a suspended license for failure to
4 appear? You didn't do that, did you?

5 A. No.

6 Q. Okay. Because you had decided that you
7 wanted to embarrass Mr. Thompson because y'all had
8 this disagreement? Isn't that -- under oath, won't
9 you be honest and tell us that's the real reason --

10 A. No.

11 Q. -- you arrested Mr. Thompson.

12 A. No. People are arrested everyday with
13 suspended drivers license.

14 Q. But not everybody is a county
15 administrator, right?

16 A. What does that mean? Nobody's above the
17 -- everybody's not -- nobody's above the law, sir.

18 Q. But not -- yes or no, not everybody's a
19 county administrator, are they?

20 A. No. If I drive my car and got a suspended
21 license, then they handle me with cause, sir, if I'm
22 violating the law.

23 Q. You would agree with me that Mr. Thompson
24 is -- has some authority over the Tunica County
25 budget, right? I mean, he works closely with the

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1 board of supervisors, right?

2 A. He has authority over the Tunica County
3 budget, not the sheriff's office budget. The
4 sheriff has exclusive -- you're an attorney. You
5 should know the law. The sheriff's office has
6 exclusive authority over its own budget.

7 Q. And that bothers you, doesn't it, that --

8 A. No.

9 Q. -- Mr. Thompson --

10 A. No, no. You know what exclusive mean?

11 Q. Let me ask my question. Let me ask my
12 question.

13 A. Okay.

14 Q. That bothers you, doesn't it, that
15 Mr. Thompson thinks he has some authority over your
16 budget? That bothers you. That's why you decided
17 that you were going to try to embarrass him?

18 A. No, sir. That did not bother me because I
19 know the law and I understand the law.

20 Q. So, you're trying to -- this is my last
21 question. You're trying to tell this Judge, who's
22 been practicing law for years, that it's just a
23 coincidence that shortly after you found out
24 Mr. Thompson's license was suspended and shortly
25 after you had this argument with him about, you

1 know, what authority he has over your budget, it's
2 just a coincidence that shortly after that, he was
3 pulled over by your office for driving with a
4 suspended license and arrested for it? That's just
5 a coincidence?

6 A. Sir, I was not out there on no traffic
7 stop.

8 MR. COLOM: No further questions.

9 THE WITNESS: If he wants to embarrass
10 -- okay.

11 THE COURT: You have anymore
12 questions?

13 MS. TURNER: Yes.

14 REDIRECT EXAMINATION BY MS. TURNER:

15 Q. Sheriff, I'm going to be brief. Dependent
16 of what questions you've been asked today --

17 A. Yes, ma'am.

18 Q. -- an overarching goal or implication here
19 is that you have a vendetta against
20 Michael Thompson?

21 A. No, ma'am.

22 Q. And could you expound on what it would
23 mean if someone who was driving a county vehicle was
24 pulled over without a license, what that would mean
25 for the insurance company?

MR. COLOM: I'm going to object, Your Honor. It's several objections. Lack of foundation, that's the first objection. She hasn't established that he knows this information to answer the question.

Two, it calls for speculation. She's asking the witness to speculate about what would happen, which is inadmissible in court.

MS. TURNER: I'm not asking him to speculate, Your Honor. He's the law enforcement officer who has a duty to uphold the law. He has a duty to make sure that these county vehicles are being operated in a proper manner. He said that's part of their policy and procedure.

Counsel opposite went into great details to find out whether or not that was part of the policy and procedure. I'm trying to figure out why that's such a big deal to the sheriff's department that people that are driving county vehicles not be operating them without a -- with a suspended license.

MR. COLOM: Well, Your Honor, that's

1 the question she needs to ask. She asked
2 him if. Anytime you ask a question with
3 if at the beginning of it, that's calling
4 for the witness to speculate.

5 MS. TURNER: No, it's not.

6 THE WITNESS: May I ask my attorney a
7 question?

8 MS. TURNER: No.

9 THE COURT: No.

10 MS. TURNER: No, you can't ask.

11 THE WITNESS: Okay. Thank you.

12 MS. TURNER: I'll just rephrase it.

13 THE COURT: Yes, rephrase it. I think
14 you can get it by rephrasing it.

15 BY MS. TURNER: (Continuing)

16 Q. You've already testified that y'all had
17 this policy about running people's driver
18 licenses --

19 A. Right.

20 Q. -- that were driving county vehicles. Why
21 is that?

22 A. One, the county administrator has a policy
23 adopted by the board of supervisors that the county
24 administrator shall enforce. And it states on --
25 the state's county employees that have a --

1 shouldn't operate county equipment or motor vehicles
2 without having a valid drivers license based on
3 liability. So, he has a policy, himself, through
4 the county administration's office that was adopted
5 by the county.

6 Two, is that it's our job to make sure that
7 the county is left out of any liability at all times
8 because of potential lawsuits.

9 Q. Have you ever specifically targeted
10 Mr. Thompson?

11 A. Ma'am?

12 Q. Have you ever specifically targeted
13 Mr. Thompson?

14 A. No, ma'am. Mr. Thompson was seen all over
15 the county by a number of people, employees,
16 attending meetings and everything else. His license
17 has been suspended for a long time. If I -- based
18 on my training experience, if I had targeted
19 Mr. Thompson, he would have been arrested in the
20 county administration's car if I had targeted him,
21 but there was no target or neither to try to
22 embarrass him.

23 Q. And did you ever tell Mr. Jones,
24 Capt. Jones, to arrest Mr. Thompson?

25 A. Capt. Jones --

1 Q. Did you give him that directive?

2 A. No, ma'am. Capt. Jones has the power of
3 discretion to do what he wants to do. He was on a
4 traffic stop and I was somewhere else. I don't have
5 anything to do with Capt. Jones' stop, neither can I
6 testify for Capt. Jones. The only thing I can
7 testify to is the Tunica County Sheriff's Office
8 policy.

9 Q. There were also some questions regarding
10 Capt. Jones' duties as a law enforcement officer,
11 what his normal duties are on a daily basis. I know
12 he's retired now; is that correct?

13 A. That's correct, ma'am.

14 Q. But, at the time he was working for the
15 sheriff's department, did he patrol and --

16 A. Yes, ma'am.

17 Q. -- did he write tickets? What all did he
18 do?

19 A. He did a number of things that a law
20 enforcement officer should do. He's worked
21 narcotics. He was over the Special Operations
22 Division. That consists of a whole lot of other
23 things, training, warrants, executing warrants,
24 minor detail patrolling. I mean, a number of
25 things.

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1 Q. So, he had several different --

2 MR. COLOM: I'm going to object to
3 that, Your Honor. That's leading.

4 THE COURT: I'm going to overrule it.

5 BY MS. TURNER: (Continuing)

6 Q. You can answer it.

7 A. Can you ask me the question again, ma'am?

8 Q. Did he have several different duties
9 involved with his job?

10 A. Yes, ma'am, he did. Those duties were to
11 include, but not limited to patrolling, training
12 officer, Special Operations, a captain at the
13 sheriff's office, whatever a law enforcement
14 officer's duty is. To protect and serve, ma'am.

15 Q. And you've already testified you weren't
16 at the scene?

17 A. I was not at that scene, ma'am.

18 Q. Do you recall whether or not you were
19 called shortly after the arrest or when you were
20 called to be notified about what had happened?

21 A. I was called after the arrest.

22 Capt. Jones called me to state that Ellis Pittman,
23 the county attorney, had called him inquiring about
24 the arrest of Michael Thompson. He shared with me
25 that Michael Thompson was arrested for driving with

1 a suspended license. I had no other details.

2 That's all I knew that he was -- I didn't know
3 anything about the stop, things of that nature.

4 I just know that Capt. Jones called me. He
5 said he was contacted by Ellis Pittman because he
6 had stopped Mr. Thompson and arrested him for
7 driving with a suspended license. That's what he
8 gave me and said that Mr. Pittman was trying to
9 contact me and he was up at the sheriff's office.

10 Q. So, he was trying to let you know that
11 Ellis was trying to contact you?

12 A. That's correct.

13 Q. All right. Did you ever make contact with
14 Mr. Pittman?

15 A. No, I did not.

16 Q. And there were some questions regarding
17 press releases issued from the sheriff's department?

18 A. Correct.

19 Q. You're the sheriff, correct?

20 A. That's correct.

21 Q. Okay. So, is there any policy in place as
22 to who in the sheriff's department is allowed to
23 give press releases? Is there anyone other than you
24 that's allowed to give press releases?

25 A. It's not a written policy, but my chief

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1 deputy, Randy Stewart. Then, it was Commander
2 Eugene Payne, who is now retired. And, also,
3 there's a Commander Cedric Davis who's in charge of
4 the Criminal Investigation Division. Those are the
5 only three allowed to make press releases.

6 Q. And you said that wasn't a written policy,
7 but that's a policy that your sheriff's department
8 has?

9 A. Well, it's not a written policy. It's a
10 verbal policy.

11 Q. A what?

12 A. A verbal policy, verbal. Just chain of
13 command.

14 Q. A verbal policy, okay.

A. Just chain of command.

16 MS. TURNER: That's all I have.

17 THE
18 Sheriff

10 THE WITNESS: Sir?

THE COURT: You may step down

21 | THE WITNESS: Thank you, Your Honor.

22 | THE COURT: Who is your next witness?

23 MS. TURNER: I call James Jones.

THE COURT: He's in the jury room.

25 They ~~got~~ to go get him.

For more information, contact the Office of the Vice President for Research and Economic Development at 319-273-2500 or research@uiowa.edu.

1 (A BRIEF PAUSE.)

2 THE COURT: Raise your right hand.

3 MR. JAMES JONES,

4 having previously been duly sworn, was re-sworn
5 and examined and testified as follows, to wit:

6 MS. TURNER: Judge, may I approach the
7 witness?

8 THE COURT: You may.

9 DIRECT EXAMINATION BY MS. TURNER:

10 Q. I'm handing you a copy of a ticket that I
11 have. Do you recognize that?

12 A. Yes, ma'am, I do.

13 Q. What is that?

14 A. It's a ticket that occurred on Highway 61
15 North. It's me, my handwriting, my signature. It
16 was issued to Mr. Michael Thompson, Lawrence
17 Thompson, on February 12th.

18 Q. Okay. You're stating it happened on
19 February 12th?

20 A. (Witness nodded head affirmatively.)

21 MS. TURNER: Your Honor, at this time,
22 I would move to have the ticket, itself,
23 amended. There's a scribner's error
24 wherein the date of the ticket, the actual
25 issuance date, was not filled in. I would

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1 like to have that amended where the
2 scribner's error is concerned.

3 THE COURT: Do you have any objection
4 to that?

5 MR. COLOM: No, Your Honor.

6 THE COURT: Okay.

7 BY MS. TURNER: (Continuing)

8 Q. And, on the day in question, do you recall
9 everything that happened that day in regards to your
10 arrest of Michael Thompson? Is your memory clear
11 today?

12 A. Yes, ma'am.

13 Q. And you've testified in this case before,
14 correct?

15 A. I have.

16 Q. And what was your -- what time did you
17 come on to your job that day? Do you recall?

18 A. Don't know the exact time, to be accurate
19 with the Court, but it was sometime in the morning.
20 It was between -- it wasn't -- it was before
21 lunchtime.

22 Q. Before lunch?

23 A. Yes, ma'am.

24 Q. And, that day, what was your plan to work?
25 what -- what -- you had several duties. What are

1 your duties with the sheriff's department?

2 A. Well, I was a captain, retired now,
3 supervisor of Special Operations Division. That
4 consists of narcotics, traffic. I was a cold case
5 investigator. I did numerous -- tact commander at
6 the sheriff's office. I did numerous roles at the
7 sheriff's department, at the sheriff's office during
8 that time frame during my employment here.

9 Q. Do you recall when you went on patrol?

10 A. Yes, I'm always on patrol. I mean, I'm
11 out, you know, doing things all the time. It's not
12 a particular time that I go on patrol. I just go.
13 I don't have a marked unit. I have a -- you know,
14 I'm always on patrol.

15 Q. So, when you're at work, you may sometime
16 be doing this at the office, but you're on patrol
17 whenever you're in your car?

18 A. Yes, I'm a sworn deputy.

19 Q. Okay.

20 A. I was a sworn deputy.

21 Q. And, on the day in question, do you recall
22 who you encountered on Highway 61 North as driving
23 the vehicle in question?

24 A. Yes, encountered Mr. Alex T. Wiley and
25 Mr. Michael Thompson as the passenger. Alex T.

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1 Wiley was the driver of the particular vehicle.

2 Q. Had you seen that particular vehicle
3 before?

4 A. Yes, I had seen it before.

5 Q. And did you know Mr. Wiley?

6 A. No, I didn't know Mr. Wiley. Never met
7 him before.

8 Q. You had never met him?

9 A. No, ma'am.

10 Q. And why did you make the stop?

11 A. Well, Mr. Wiley was traveling down Highway
12 61 North going towards the casinos in the
13 Robinsonville area. I saw that vehicle go over the
14 yellow line several times. He made an illegal lane
15 change. From that point, I activated my blue lights
16 and I stopped him right before the intersection on
17 Highway 61 and Casino Strip, that intersection
18 there.

19 Q. And when you pulled him over, you
20 obviously approached the vehicle, correct?

21 A. That's correct.

22 Q. And Mr. Wiley was on the driver side?

23 A. That's correct, he was.

24 Q. And, at that time, would you just tell
25 us -- lead us to the arrest. What happened next?

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1 A. Yes. When I approached the vehicle, I
2 asked Mr. Wiley, I asked Wiley was he -- was
3 everything okay. He said, yes, yes, sir, it was.

4 Q. Why did you ask that question?

5 A. Just to make sure he wasn't a drunk
6 driver, no one drinking or something to that nature
7 right there, make sure everything was good, make
8 sure he wasn't on any kind of controlled substance
9 or medication, things of that nature. Just normal
10 protocol --

11 Q. Okay.

12 A. -- to ask.

13 Q. And then what happened next?

14 A. Mr. Wiley introduced himself to me as the
15 comptroller.

16 Q. Of Tunica County?

17 A. Of Tunica County, that's correct.

18 Q. Okay. And when he did that, what happens
19 next?

20 A. After he introduced himself as the
21 comptroller, I looked down and saw Mr. Thompson to
22 my right here in a gray suit and tie. He introduced
23 himself as the county administrator to me.

24 Q. So, prior to stopping the vehicle, did you
25 know that Michael Thompson was in the passenger side

1 of the car?

2 A. No, ma'am.

3 Q. Do you know that -- prior to stopping the
4 vehicle, were you aware who the driver was?

5 A. No, ma'am.

6 Q. So, you really didn't know who you had
7 pulled over?

8 A. No, ma'am. There's vehicles -- ma'am,
9 all -- so many vehicles come through this area, it's
10 unheard of.

11 Q. Then what happens next after he tells you
12 he's the comptroller and Michael Thompson introduces
13 himself, as well?

14 A. I asked Mr. Thompson was he okay -- not
15 Mr. Thompson, but Mr. Wiley. He gave me his
16 license. I ran his license through National
17 Criminal Information Center. His license came back
18 reinstated, eligible for valid, DL, something.

19 Of course, I didn't know what that mean.
20 So, I asked the dispatch what did that mean. They
21 said that they didn't have a clue what that mean. I
22 never heard it before. In conversating with
23 Mr. Wiley, he told me he had gotten a ticket in D.C.

24 Q. In Washington, D.C.?

25 A. That's correct. He had been up there

1 working or something to that nature. And he told me
2 that he didn't know whether it was valid or there
3 was a -- something was going on with his license.
4 We waited and ran it through the Tennessee database.
5 We waited, we waited. We didn't get a response back
6 in a timely manner.

7 Q. So, you didn't get a response in a timely
8 manner?

9 A. No, ma'am.

10 Q. What did you do next?

11 A. At that point in time, I approached Mr. --
12 as a courtesy to Mr. Wiley -- I knew another
13 passenger was in the vehicle, Mr. Thompson. Showing
14 him courtesy, I could have wrote him several
15 violations, but I didn't. Showing him courtesy, I
16 asked Mr. Wiley -- Mr. Thompson, Mr.
17 Michael Thompson, is his license valid. He said,
18 yes, they are. I asked him, well, can you drive
19 this vehicle for Mr. Wiley and he said, yes. And
20 that's when he took control of the vehicle.

21 Q. Why did you ask him if he could drive the
22 vehicle?

23 A. Because we didn't have -- didn't have
24 information on Mr. Wiley at the time, his license.
25 I never heard of the valid, eligible for DL before

1 and the dispatcher didn't have a clue what was going
2 on. That's why we were waiting on Tennessee to let
3 us know something.

4 Q. Do y'all have a policy about -- in the
5 sheriff's department about letting passengers drive
6 vehicles when someone is pulled over for invalid
7 drivers license?

8 A. No, they can't drive.

9 Q. Who can't drive?

10 A. The individuals whose licenses are
11 suspended or something going on with their license.
12 We're not going to let them drive. That's the
13 policy.

14 Q. Okay.

15 A. That's the law, rather.

16 Q. Right. And so, do you know whether or not
17 the sheriff's department has a policy regarding how
18 that situation is handled, whether or not the car is
19 towed or someone is called or --

20 A. Yes. If an individual has a suspended
21 license or something of that nature, protocol is
22 they're transported to the Tunica County Detention
23 Center. From that point, their vehicle is towed.

24 Q. And what if they have people in the
25 vehicle with them?

1 A. They can take possession of that
2 particular vehicle, the individual in question, if
3 there are two people in the vehicle. If there's one
4 with their drivers license suspended or something
5 going on with their license, they're not able to
6 drive. If there's someone in there with license
7 that's good and legit, they can take control of the
8 vehicle. They can take control of the vehicle.

9 Q. And so --

10 A. If their license are legit.

11 Q. If their license are non-suspended?

12 A. That's correct.

13 Q. Do you normally run the drivers license of
14 the passenger before they take control of the
15 vehicle or not?

16 A. Normally, we do.

17 Q. Normally, you do?

18 A. That's correct.

19 Q. Did you do that in this incidence?

20 A. I didn't run them directly when he took
21 control of the vehicle. We were still waiting. So
22 much was going on. We were waiting on Mr. Wiley's
23 information to come back and I -- you know, when I
24 asked Mr. Thompson about his license, were they good
25 license, Mr. Thompson was very deceptive to me. I

1 knew he was lying to me at that particular time
2 about his license being legit, being -- not -- not
3 -- being not suspended, that nature right there.
4 Unless he had gotten them done, you know, maybe,
5 later that day or that late afternoon.

6 Q. So, you had reason to believe that he may
7 not have a valid drivers license, but you weren't
8 certain; is that correct?

9 A. That's correct.

10 Q. Are you stating that you had knowledge
11 because you had run his license before?

12 A. Yes, ma'am.

13 Q. And why did you do that?

14 A. Well, during the -- we had a mission,
15 investigation going on pertaining to a lot of things
16 going on within the county. And Mr. Wiley -- we
17 have a -- we have a -- running driving license,
18 names of all individuals in the county, registered
19 county vehicle and their license are ran through --
20 it's policy actually. Mr. Thompson's name -- I
21 think he sent out the list over to the sheriff's
22 department, but his name wasn't on the list to get
23 his license ran.

24 So, we had just recently -- there's a
25 supervisor of maintenance, director of maintenance

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1 had -- it's right here, had got his license ran,
2 protocol for the county, and it came back they had a
3 warrant for him in Desoto County. And what we did,
4 he was placed under arrest. He was transported to
5 Desoto County. There's a list as I see right -- I'm
6 looking at right here, ma'am.

7 Q. Okay. And why was Mr. Thompson's license
8 ran before the stop?

9 A. For the initial -- we had an investigation
10 pertaining to Mr. Thompson and Wiley pertaining to
11 some -- we didn't know whether this guy existed, who
12 he was. There was nothing -- we didn't know who
13 this gentleman was doing the -- authorizing the --
14 everybody else's license to be ran but his. We
15 didn't know anything pertaining to him. We know
16 there was some type of business deal between him and
17 Mr. Wiley that was going on. We were looking out
18 for the best interest of this county.

19 Q. So, as part of all county employees'
20 licenses being ran, you also ran his?

21 MR. COLOM: I'm going to object.

22 THE WITNESS: Yes.

23 MR. COLOM: That's a leading question.
24 In fact, it's contradictory to his
25 testimony. She's leading the witness.

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1 MS. TURNER: I'll ask it another way.

2 THE COURT: All right. Go ahead.

3 BY MS. TURNER: (Continuing)

4 Q. So, there was a list of several county
5 employees whose licenses were ran, correct?

6 A. That's correct.

7 Q. And was it because they drove county
8 vehicles?

9 A. That's correct.

10 Q. Do you know whether or not Mr. Thompson,
11 at the time, was driving a county vehicle?

12 A. Yes. Yes, ma'am, he was.

13 Q. So, is that the reason why his license was
14 ran?

15 A. That's correct. That's the reason his
16 license was ran? You're asking me that?

17 Q. That's what I'm asking.

18 A. Yes, yes, that's correct.

19 Q. Okay.

20 A. His license was left off the list we
21 normally ran for the county.

22 Q. So, after Mr. Thompson tells you he has a
23 valid license, what happens next?

24 A. Mr. Thompson leaves and heads back to 61
25 North. I get -- he goes down a way. We finally got

1 the information from NCIC, Tennessee database, that
2 said that Mr. Wiley's license was okay. After that,
3 after he had left, I got -- initiated another
4 traffic stop on Mr. Thompson. He was driving the
5 vehicle at the BP/Wendy's on Highway 61 North right
6 there in Robinsonville.

7 From that point, I approached the vehicle.
8 I advised Mr. Thompson that I then wanted his
9 license. He gave me his license through the window.
10 Actually, he stepped out of the vehicle. As I run
11 them through the NCIC database, they came back
12 suspended, failure to appear, Montgomery County.

13 Q. And why did you initiate that stop?

14 A. To get -- to make -- to check
15 Mr. Thompson's license. I figured he was being very
16 deceptive. Basically, was lying to me.

17 Q. Okay. And because of your prior knowledge
18 of that?

19 A. That's correct.

20 MR. COLOM: I'm going to object, Your
21 Honor. That's a leading question.

22 MS. TURNER: I'll rephrase.

23 THE COURT: Rephrase that question.

24 MS. TURNER: I'll strike.

25 THE COURT: Okay.

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1 BY MS. TURNER: (Continuing)

2 Q. And so, after you pulled over
3 Mr. Thompson, were you able to determine whether or
4 not his license was valid?

5 A. Yes, ma'am, I was.

6 Q. And what was the end result of that?

7 A. As I ran Mr. Thompson's license through
8 the NCIC, National Criminal Information database,
9 the license came back -- dispatch advised the
10 license came back suspended for failure to appear in
11 Montgomery County.

12 Q. So, what did you do at that time?

13 A. At that point in time, Mr. Thompson asked
14 me where is Montgomery County located at and I told
15 him between Grenada County and Jackson, Mississippi
16 and asked him was he familiar with the ticket. He
17 had gotten tickets there -- got a ticket there.
18 That's it and I told him -- followed protocol and
19 placed him, and we transported him to the
20 Tunica County Detention Center.21 Q. And, at that point, he was arrested for
22 driving without {sic} a suspended license. Was
23 there anything else he was arrested for?

24 A. No, ma'am.

25 Q. Okay. And I just want to go ahead and ask

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1 you some questions based on some of the testimony
2 we've already heard today. Were there ever any
3 conversations between you and the sheriff regarding
4 whether or not Mr. Thompson should be arrested?

5 A. No. I didn't talk with the sheriff.
6 That's on my officer's discretion.

7 Q. And did this happen in Tunica County?

8 A. Yes, ma'am.

9 Q. What judicial district?

10 A. Third Judicial District.

11 Q. Okay. And do you see Michael Thompson in
12 the courtroom?

13 A. Yes, ma'am.

14 Q. Where?

15 A. Black male to my right, dark suit, white
16 shirt, tie and glasses, brown shoes, black socks.

17 MS. TURNER: May the record reflect
18 that he's identified him, Mr. Thompson.

19 THE COURT: The record may reflect he
20 has thoroughly identified him.

21 MS. TURNER: May I have just a moment,
22 Your Honor?

23 THE COURT: Okay.

24 (A BRIEF PAUSE.)

25 MS. TURNER: May I approach the